

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3352

RECEIVED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2017 NOV 27 PM 12:31

SENSITIVE

November 27, 2017

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2017 October Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2017 October Quarterly Report in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2017.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11/27/2017 11:01 AM

Federal Election Commission
Reason to Believe Circulation Report
2017 OCTOBER QUARTERLY Not Election Sensitive 10/15/2017 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3350	C00440909	BYRNE FOR CONGRESS	LESLIE L. BYRNE	BRUCE NEILSON	\$165,411	0		Not Filed	\$82,706 (est)	\$4,862
3351	C00640219	PAULA SWEARENGIN 2018	PAULA JEAN SWEARENGIN	PAULA SWEARENGIN	\$177,069	0	11/1/2017	17	\$84,598	\$2,919
3352	C00581314	TAYLOR GRIFFIN FOR CONGRESS	WILLIAM TAYLOR GRIFFIN	TAYLOR GRIFFIN	\$119,588	2		Not Filed	\$119,588 (est)	\$9,378

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2017)
October Quarterly Report for the)
Administrative Fine Program:)
BYRNE FOR CONGRESS, and BRUCE) AF# 3350
NEILSON as treasurer;)
PAULA SWEARENGIN 2018, and) AF# 3351
PAULA SWEARENGIN as treasurer;)
TAYLOR GRIFFIN FOR CONGRESS, and) AF# 3352
GRIFFIN, TAYLOR as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on November 30, 2017 the Commission took the following
actions on the Reason To Believe Recommendation - 2017 October Quarterly Report
for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated November 27, 2017, on the following committees:

AF#3350 Decided by a vote of 5-0 to: (1) find reason to believe that BYRNE FOR
CONGRESS, and BRUCE NEILSON, in his official capacity as treasurer, violated
52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty
would be the amount indicated on the report; (2) send the appropriate letter.
Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively
for the decision.

AF#3351 Decided by a vote of 5-0 to: (1) find reason to believe that PAULA
SWEARENGIN 2018, and PAULA SWEARENGIN, in her official capacity as treasurer,
violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money
penalty would be the amount indicated on the report; (2) send the appropriate letter.
Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively
for the decision.

Federal Election Commission
Certification for Administrative Fines
November 30, 2017

Page 2

AF#3352 Decided by a vote of 5-0 to: (1) find reason to believe that TAYLOR GRIFFIN FOR CONGRESS, and GRIFFIN, TAYLOR, in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 30, 2017
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 2017

Taylor Griffin, in official capacity as Treasurer
Taylor Griffin for Congress
P.O. Box 3451
New Bern, NC 28564

C00581314
AF#: 3352

Dear Mr. Griffin:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2017 through September 30, 2017, shall be filed no later than October 15, 2017. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On November 30, 2017, the FEC found that there is reason to believe ("RTB") that Taylor Griffin for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 2017. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,378. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$9,378 is due within forty (40) days of the finding, or by January 9, 2018, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$119,588
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 9, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Taylor Griffin for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$9,378 for the 2017 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Taylor Griffin for Congress

FEC ID#: C00581314

AF#: 3352

PAYMENT DUE DATE: January 9, 2018

PAYMENT AMOUNT DUE: \$9,378



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2018 JUL 31 AM 8:22

SENSITIVE

July 31, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Take No Action Recommendation – 2017 October Quarterly Report for the
Administrative Fine Program - Taylor Griffin for Congress (AF 3352)

Reports Analysis Division (RAD) recommends that the Commission take no action against Taylor Griffin for Congress (AF 3352) based on the 2018 April Quarterly Report Reason To Believe Recommendation regarding this committee, approved by the Commission on June 20, 2018.

Taylor Griffin for Congress (AF 3352) is the principal campaign committee ("PCC") for a candidate who appeared on the ballot in the 2016 North Carolina Congressional election held on June 7, 2016.

Please note that the last report filed by the above committee with the Commission was the 2016 October Quarterly Report, filed on October 6, 2016 disclosing an ending cash balance of \$1,834.67. Since then, the committee has stopped filing and has not filed in 2017 or 2018. Furthermore, the committee has neither responded to Commission requests to file, nor paid any of the assessed fines. Attempts to notify the committee of RTB and FD findings by the Commission, which were sent via the United States Postal Service, were often returned. RAD also queried the

FEC database and found no receipts or disbursements associated with the committee during the 2017-18 Election Cycle.

As such, RAD recommends that the Commission take no action against this committee.

RAD Recommendation

- (1) Take no action against Taylor Griffin for Congress and Taylor Griffin, Treasurer, in regards to AF 3352.
- (2) Send the appropriate letter.

7/30/2016 2:56 PM

Federal Election Commission
FD Circulation Report Fine Not Paid
2017 OCTOBER QUARTERLY Not Election Sensitive 10/15/2017 H_S_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3352	TAYLOR GRIFFIN FOR CONGRESS	WILLIAM TAYLOR GRIFFIN	C00581314	TAYLOR GRIFFIN		Not Filed	\$119,588 (est)	2	11/30/2017	\$9,378	242	NFA

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3352
Take No Action Recommendation – 2017)
October Quarterly Report for the)
Administrative Fine Program - Taylor)
Griffin for Congress)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on August 01, 2018, the Commission
decided by a vote of 4-0 to take the following actions in AF 3352:

1. Take no further action against Taylor Griffin for Congress and
Taylor Griffin in his official capacity as treasurer, in regards to
AF 3352.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

August 3, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 2, 2018

Taylor Griffin, in official capacity as Treasurer
Taylor Griffin for Congress
P.O. Box 3451
New Bern, NC 28564

C00581314
AF#: 3352

Dear Mr. Griffin:

On November 30, 2017, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Taylor Griffin for Congress and you, in your official capacity as treasurer, violated, 52 U.S.C. § 30104(a) for filing late or failing to file the 2017 October Quarterly Report. By letter dated November 30, 2017, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$9,378 in accordance with the schedule of penalties at 11 CFR § 111.43.

The FEC made a final determination on August 1, 2018 to take no further action against Taylor Griffin for Congress and you, in your official capacity as treasurer, assessed no civil money penalty, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Aimee Wechsler on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink that reads "Carol C. Hunter".

Caroline C. Hunter
Chair

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3352

UNCLASSIFIED